



## UNITED STATES PATENT AND TRADEMARK OFFICE

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UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

April 25, 2007

NEEDLE & ROSENBERG, P.C.  
SUITE 1000  
999 PEACHTREE STREET  
ATLANTA, GA 30309-3915  
US

Dear Sir/Madam,

Your refund request for 10563727 in the amount of \$500.00 has been denied .

There are a total of 35 claims. Five of which are independent claims. Fees are correct.

Sincerely,

  
RITA WHITE  
PCT - National  
703 308-9140 x231

JAN. 23. 2007 3:33PM NEEDLE &amp; ROSENBERG

NO. 0513 P. 2/20

ATTORNEY DOCKET NO.: 05170.0001U1  
PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	)
Pearce, et al.	) Confirmation No. 1955
Application No. 10/563,727	) Group Art Unit: 1618
Filing Date: January 6, 2006	) Examiner: Unassigned
For: "METHOD AND APPARATUS FOR PROFILING CHARACTERISTICS OF MOBILE DEVICES"	)

SECOND REQUEST FOR REFUND

MAIL STOP 16  
Commissioner for Patent  
P. O. Box 1450  
Alexandria, VA 22313-1450

NEEDLE & ROSENBERG, P.C.  
Customer Number 23859

January 23, 2007

Sir:

On December 8, 2006, Applicants filed a Request for Refund for the above application (attached). Applicants filed the Request for Refund with evidence showing that the \$500.00 charged to Deposit Account 14-0629 was in error (see attachments). The aforementioned refund request was never received at the U.S. Patent and Trademark Office. Applicants, therefore, submit a second refund request for the overpayment.

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PAGE 2201 REVD AT 10:20AM 2/12/07 (Printed Standard Time) STYLUS TO REFUND 2/12/07 2:27PM CS2:1 DURATION 00:00:04

JAN. 23. 2007 3:33PM NEEDLE &amp; ROSENBERG

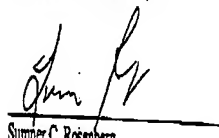
NO. 0513 P. 3/20

ATTORNEY DOCKET NO. 09170.0001U1  
APPLICATION NO. 10/563,727

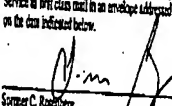
In light of the above, it is respectfully requested that the overpayment of \$500.00 be  
credited to Deposit Account No. 14-0629.

Respectfully submitted,

NEEDLE & ROSENBERG, P.C.

  
Summer C. Rosenberg  
Registration No. 28,753

NEEDLE & ROSENBERG, P.C.  
Customer Number 23859  
(678) 420-9300 Phone  
(678) 420-9301 Fax

<p><b>CERTIFICATION OF MAILING TRANSMISSION UNDER 37 C.F.R. 1.111</b></p> <p>I hereby certify that this correspondence, including any items indicated as attached or included, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop 16, Commissioner for Patents, P.O. Box 1430, Alexandria, VA 22313-1435, on the date indicated below.</p>	
<p> Summer C. Rosenberg</p>	<p>1/23/07 Date</p>

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PAGE 3201 PG10 AT 0720297 2:32:14 PM (Eastern Standard Time) 67813870-07105-0111 00052726500 \* CS00 \* EXPIRATION (pre-ep) 04-04



JAN 23 2007 3:55PM NEEDLE &amp; ROSENBERG

NO. 0513-P. 10/20

ATTORNEY DOCKET NO. 09170.000101  
 International Application No. PCT/GB2004/005002  
 EXPRESS MAIL LABEL NO. EL 997678676 US

5. (Currently amended) The method of claim 1 ~~any one of the preceding claims~~, wherein respective queries concern respective items of test data.
6. (Currently amended) The method of claim 1 ~~any one of the preceding claims~~, wherein items of test data are transmitted to the mobile device in an order corresponding with an order in which the queries concerning the respective items of test data are provided for display.
7. (Currently amended) The method of claim 1 ~~any one of the preceding claims~~, wherein respective items of test data test individual attributes of the mobile device.
8. (Currently amended) The method of claim 1 ~~any one of the preceding claims~~, wherein at least some items of test data test characteristics of the display of the mobile device.
9. (Currently amended) The method of claim 1 ~~any one of the preceding claims~~, wherein output of at least some items of test data comprises display of the test data.
10. (Currently amended) The method of claim 1 ~~any one of the preceding claims~~, wherein at least some of the items of test data test communication characteristics of the mobile device.

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PAGE 1028 1830 AT 12/27/07 2:15:34 PM Eastern Standard Time 09170-0513-P11 0052178581 CS02:10041001 (pre-5) 04/04

JAN. 23. 2007 3:35PM NEEDLE &amp; ROSENBERG

NO. 0513 P. 12/20

ATTORNEY DOCKET NO. 09170.0001ul  
 International Application No. PCT/GB2004/003002  
 EXPRESS MAIL LABEL NO. EL 997678676 US

17. (Original) An apparatus for profiling characteristics of a mobile device, the apparatus comprising:
- a network interface for transmitting test data to the mobile device over a mobile communications network for output by the mobile device;
  - a processor for providing query data to a user interface for display by the user interface, which query data defines a query concerning the expected output of the test data by the mobile device, and for receiving response data defining a response to the query from the user interface; and
  - a database for storing the response data.
18. (Original) The apparatus of claim 17, wherein the network interface transmits the test data to the mobile device using a dedicated data communications link.
19. (Currently amended) The apparatus of claim 17 ~~or claim 18~~, wherein the network interface transmits the test data to the mobile device using a data messaging service.
20. (Currently amended) The apparatus of claim 17 ~~any one of claims 17 to 19~~, wherein the network interface transmits the test data to the mobile device substantially simultaneously to the processor providing query data to the user interface.
21. (Currently amended) The apparatus of claim 17 ~~any one of claims 17 to 20~~, wherein respective queries concern respective items of test data.

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PAGE 1220 \* READ AT 1222007 2:12:11 PM (Eastern Standard Time) \* SRC:USPTO-EST-2014 \* DMS:273633 \* CDR: \* DURATION (mm:ss):14:54

JAN 23 2007 3:35PM NEEDLE &amp; ROSENBERG

NO. 0513 P. 13/20

ATTORNEY DOCKET NO. 09370.0001  
 International Application No. PCT/GB2004/003002  
 EXPRESS MAIL LABEL NO. EL 997678676 US

22. (Currently amended) The apparatus of claim 17 ~~any one of claims 17 to 21~~, wherein the network interface transmits items of test data to the mobile device in an order corresponding with an order in which the queries concerning the respective items of test data are provided for display.
23. (Currently amended) The apparatus of claim 17 ~~any one of claims 17 to 23~~, wherein respective items of test data test individual attributes of the mobile device.
24. (Currently amended) The apparatus of claim 17 ~~any one of claims 17 to 25~~, wherein at least some items of test data test characteristics of the display of the mobile device.
25. (Currently amended) The apparatus of claim 17 ~~any one of claims 17 to 24~~, wherein output of at least some items of test data comprises display of the test data.
26. (Currently amended) The apparatus of claim 17 ~~any one of claims 17 to 25~~, wherein at least some of the items of test data test communication characteristics of the mobile device.
27. (Currently amended) The apparatus of claim 17 ~~any one of claims 17 to 26~~, wherein output of at least some items of test data comprises transmission of data over the mobile telecommunications network.

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PAGE 1320 RECEIVED AT 12:20:17 PM Eastern Standard Time / FILED USPTO-ESTER-314 / 005.27.0634 / CSO / DURATION (min): 04.44

JAN. 23. 2007 3:36PM NEEDLE & ROSENBERG

NO. 0513 P. 15/20

ATTORNEY DOCKET NO. 00170.000101  
International Application No. PCT/GB2006/003002  
EXPRESS MAIL LABEL NO. EL 997678676 US

35. (Canceled) An apparatus for profiling the characteristics of a mobile device  
substantially as described with reference to any of the accompanying drawings.

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PAGE 15/20 RCV AT 12/22/07 3:36 PM Eastern Standard Time SYRUSPTO-057807-011 DUS-22/04/07 CSO DURATION 00:04:44



JAN. 23. 2007 3:36PM NEEDLE &amp; ROSENBERG

NO. 0513-P. 17/20

ATTORNEY DOCKET NO. 09170.0001u1  
International Application No. PCT/GB2004/003602  
EXPRESS MAIL LABEL NO. EL 997678676 US

## ABSTRACT

A method for profiling characteristics of a mobile device comprises transmitting test data to the mobile device over a mobile telecommunications network for output by the mobile device; providing query data to a user interface defining queries for display by the user interface, which queries concern the expected output of the test data by the mobile device; receiving response data from the user interface defining a response to the query; and storing the response data in a database.

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PAGE 17/20 RCVD AT 12/2007 3:31:14 PM (Eastern Standard Time) \*STANDARD TIME\* 05:00:00 \*DURATION\* 00:00:00

JAN. 23. 2007 3:36PM

NEEDLE &amp; ROSENBERG

NO. 0513 7. 10/20

COPY

Exhibit B

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED ELECTED OFFICE (COREGUS) CONCERNING A FILING UNDER 35 U.S.C. 371		MAIL LABEL NO.: EL 98787878 US
INTERNATIONAL APPLICATION NO. PCT/GB2004/000002		1. PRIORITY NUMBER: 09170_0001U1
INTERNATIONAL FILING DATE: July 8, 2004		2. APPLICATION NO. (from 37 CFR 1.3)
		PRIORITY DATE CLAIMED: July 8, 2003
TITLE OF INVENTION: METHOD AND APPARATUS FOR PROFILING CHARACTERISTICS OF MOBILE DEVICES		
APPLICANT(S) FOR REGISTRATION: PEARCE, James and BYTNER, Anders		
<p>Applicant hereby certifies to the United States Designated Office (COREGUS) the following facts and other information:</p> <p>1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.</p> <p>2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.</p> <p>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(h)). The submission must include items (a), (b), (c) and (d) indicated below.</p> <p>4. <input type="checkbox"/> The US has been elected (Article 21).</p> <p>5. <input checked="" type="checkbox"/> A copy of the international Application as filed (35 U.S.C. 371(c)(2)).</p> <p>a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</p> <p>b. <input checked="" type="checkbox"/> has been communicated by the International Bureau.</p> <p>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (ROUS).</p> <p>6. <input type="checkbox"/> An English language translation of the international Application as filed (35 U.S.C. 371(c)(2)).</p> <p>a. <input type="checkbox"/> is attached hereto.</p> <p>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(c)(4).</p> <p>7. <input checked="" type="checkbox"/> Amendments to the claims of the international Application under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</p> <p>b. <input type="checkbox"/> have been communicated by the International Bureau.</p> <p>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</p> <p>d. <input checked="" type="checkbox"/> have not been made and will not be made.</p> <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</p> <p>10. <input type="checkbox"/> An English language translation of the annexes of the international Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p> <p>Items 11 to 20 below concern document(s) or information included:</p> <p>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</p> <p>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet is complying with 37 CFR 1.28 and 1.31 &amp; included.</p> <p>13. <input checked="" type="checkbox"/> A preliminary amendment.</p> <p>14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.78.</p> <p>15. <input type="checkbox"/> A substitute specification.</p> <p>16. <input type="checkbox"/> A power of attorney and/or change of address letter.</p> <p>17. <input checked="" type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter 2, and 35 U.S.C. 1.821-1.825. The contents of the paper copy and the computer-readable form of the Sequence Listing, submitted herewith are the same and include no new matter, as required by 37 C.F.R. 1.821(f).</p> <p>18. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(c)(4).</p> <p>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(c)(4).</p> <p>20. Other data or information:</p>		

PAGE 1/20 AT 10:00AM 1/23/07 Eastern Standard Time 517518570-EP727-014 INS:2706001 USPO: DURATION 000-000000

JAN 23 2007 3:37PM NEEDLE &amp; ROSENBERG

NO. 0513 2. 19/20

US APPLICATION NO. (If known, see 37 CFR 1.51)		INVENTION NO. APPLICATION NO. (If known, see 37 CFR 1.51)		ATTORNEY ACCOUNT NUMBER (If known, see 37 CFR 1.51)	
Total fee(s) have been submitted				CALCULATIONS	
21. <input type="checkbox"/> Basic Examination fee				\$ 200.00	
22. <input type="checkbox"/> Examination fee				\$ 200.00	
If subject matter is not a PCT application, the fee is \$200.00. If subject matter is a PCT application, the fee is \$200.00. If subject matter is a PCT application, the fee is \$200.00.					
23. <input type="checkbox"/> Search fee				\$ 400.00	
If subject matter is not a PCT application, the fee is \$400.00. If subject matter is a PCT application, the fee is \$400.00. If subject matter is a PCT application, the fee is \$400.00.					
24. <input type="checkbox"/> Substantive examination fee				\$ 400.00	
If subject matter is not a PCT application, the fee is \$400.00. If subject matter is a PCT application, the fee is \$400.00. If subject matter is a PCT application, the fee is \$400.00.					
25. <input type="checkbox"/> Other fee				\$ 0.00	
TOTAL OF 21, 22 AND 23 =				\$ 800.00	
<input type="checkbox"/> Additional fee for examination and drawing fees a paper over 100 sheets (including separate listing of dependent claims) shall be \$100.00 per sheet. The fee is \$100.00 for each additional 100 sheets of paper in excess thereof.					
Total Sheets	Excess Sheets	No. of each additional 100 or fraction thereof	RATE		
100	0	0	\$ 100.00	\$ 0.00	
Percentage of \$100.00 for handling fee each additional sheet over 100 sheets from the initial filing date (37 CFR 1.402)				\$ 0.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	20	0	\$ 20.00	\$ 0.00	
Independent claims	1	0	\$ 10.00	\$ 0.00	
MULTIPLE DEPENDENT CLAIMS, if applicable				\$ 0.00	
TOTAL OF ABOVE CALCULATIONS =				\$ 800.00	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 50%.				\$ 0.00	
SUBTOTAL =				\$ 800.00	
Processing fee of \$100.00 for handling the English translation per sheet (37 CFR 1.402)				\$ 0.00	
TOTAL NATIONAL FEE =				\$ 800.00	
Fee for receiving the national description (37 CFR 1.212). The amount must be accompanied by an acceptable form (37 CFR 1.212, 1.213) and a fee receipt.				\$ 0.00	
TOTAL FEES DUE =				\$ 800.00	
a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. 14-0023 in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees, which may be required, or credit any overpayment to Deposit Account No. 14-0023. A duplicate copy of this sheet is enclosed. d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2000. e. <input type="checkbox"/> Pursuant to 37 C.F.R. § 1.105(a)(3), the Commissioner is hereby requested and authorized to treat any correspondence or action reply in this above-captioned application, requiring a petition for an extension of time for its timely submission, as incorporating a petition for extension of time for the appropriate length of time.					
NOTE: When an applicant files first under 37 CFR 1.414 or 1.415 but not later than a petition to revive (37 CFR 1.417 (a) or (b)) must be filed and granted to restore the application to pending status.					
SEND ALL TO THE ADDRESS ASSOCIATED WITH: Customer No. 23859 SIGNATURE NAME 28 751 REGISTRATION NUMBER					

PAGE 1020 \* RPO AT 1222007 2:00 PM \* Patent Standard Time \* ST/ASPTO-PT/2006-04 \* (285-273630) \* CSD \* DURATION (hrs)-30-04-54